

REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated January 10, 2008.

Claims 1-27 are pending in the application.

Claims 1-27 stand rejected.

Claims 1, 13, 18, and 23 have been amended.

Rejection of Claims under 35 U.S.C. §101

Claims 13-27 stand rejected under 35 U.S.C. §101 as purportedly being directed to non-statutory subject matter. The Office Action states that "the Specification of the current invention does not disclose nor define a processor as being in claim 13 and 18," and thus "adding a processor into claims 13 and 18 does not obviate the claims" from purportedly being directed to non-statutory material. Applicants respectfully disagree and submit that a processor is disclosed by the current application. For example, paragraph 66 of the specification discloses "...modules in accordance with an embodiment of the invention may also include a semiconductor-based memory, which may be permanently, removably, or remotely coupled to a *microprocessor/memory system*." (emphasis supplied) One of ordinary skill would be expected to understand that a microprocessor/memory system comprises a processor.

[0001] Paragraph 66 of the specification also discloses "the modules may be stored within a computer system memory to configure the computer system to perform the functions of the module." More details regarding a computer system having a processor suitable for executing software modules are disclosed in U.S. Patent No. 7,143,259, which is incorporated by reference into the present application. For example, ¶ 21 of U.S. Patent No. 7,143,259 discloses "Each of host 72, storage subsystems 74-78, and interconnect device 80 includes one or more processors capable of processing data according to instructions of a software component. As such, each of host 72, storage subsystems 74-78, and interconnect device 80 can be considered a computer system." Accordingly, Applicants respectfully submit that one of ordinary skill would recognize

the ample support found in the current application for a processor, as recited by claims 13 and 18. Therefore, Applicants respectfully request withdrawal of these rejections.

Rejection of Claims under 35 U.S.C. §112

Claims 13-27 stand rejected under 35 U.S.C. §112 as purportedly failing to comply with the written description requirement. The arguments made above with reference to the §101 rejections apply with equal force to the §112 rejections. Accordingly, Applicants respectfully request withdrawal of these rejections.

Rejection of Claims under 35 U.S.C. §102

Claims 1-9 and 13-27 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent Publication No. 2003/0074528 by Soejima, *et al.* (Soejima). To the extent that they might be applied against the amended claims, Applicants respectfully traverse each of these rejections. Applicants respectfully submit that the arguments presented below with respect to independent claim 1 are generally applicable to claims 1-9 and 13-27, as independent claims 13, 18, and 23 generally require the same disputed limitations of claim 1, and claims 2-12, 14-17, 19-22, and 24-27 depend from respective independent claims. Exemplary claim 1 recites:

A method comprising:

determining a first specification for a first set of needed storage regions, wherein the determining is performed in response to receiving a request to perform an operation on a logical volume, wherein the logical volume is created before the request to perform an operation is received, the first specification is based on an intent for the logical volume and the operation,
the first set of needed storage regions is needed to perform [[an]] the operation on [[a]] the logical volume, and
the first set of needed storage regions satisfies [[an]] the intent of the logical volume, wherein the intent comprises an intended configuration for implementing the logical volume, and a rule is a portion of the intent associated with the logical volume;

searching a plurality of existing storage regions for a corresponding existing storage region for each needed storage region in the first set of needed storage regions; and
if no existing storage region is found corresponding to a first needed storage region in the first set of needed storage regions, determining a second specification for a second set of storage regions to be acquired, wherein the second set of storage regions is needed to perform the operation on the logical volume.

Applicants respectfully submit that the cited passages of Soejima do not disclose each element of independent claim 1. Specifically, the cited passages of Soejima fail to teach at least the following features recited in independent claim 1: that a specification is determined in response to receiving a request to perform an operation; that the operation is to be performed on a logical volume created prior to receiving the request to perform an operation; and that the specification is based on an intent for the logical volume and also the operation requested.

The Office Action cites ¶ 0018 of Soejima as purportedly disclosing “determining a first specification for a first set of storage regions.” Office Action, p. 4. The Office Action goes on to explicitly state that the cited passage of Soejima discloses that the specification “has to be determined *before* a request is sent.” (emphasis supplied) Office Action, p.4. This statement makes sense, considering that the cited passage of Soejima discloses that the volume creation request includes or “specifies” information about the type of storage devices to be used in creating the volume. Soejima, ¶ 18. Receiving a request to perform an operation *after* a specification of information regarding the storage devices used to perform the operation is in direct conflict with the limitations of claim 1. Claim 1 discloses receiving a request to perform an operation *before* determining a specification of information regarding storage devices used to perform an operation. In fact, claim 1 specifies the determining is in response to receiving the request, so the request necessarily precedes the determining.

The Office Action explicitly equates the operation that is requested to be performed with a request to create a volume. Office Action, p. 4, 9. This directly contradicts amended claim 1, which clearly recites that the operation is requested to be performed on a logical volume which was created before the request to perform the

operation is received. Thus the requested operation recited in claim1 cannot be a volume creation request, as disclosed by the cited passage of Soejima.

Accordingly, Applicants respectfully submit that independent claims 1, 13, 18, and 23 are allowable over Soejima. Claims 2-12, 14-17, 19-22, and 24-27 depend from independent claims 1, 13, 18, and 23, and are allowable for at least this reason.

Rejection of Claims Under 35 U.S.C. § 103

Claims 10-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Soejima* in view of Applicant Admitted Prior Art (AAPA). Applicants respectfully traverse both the Office Action's designation of Applicant Admitted Prior Art and the substantive argument of the rejection. Further, Applicants respectfully submit that claims 10-12 depend from and further patentably distinguish independent claim 1, and are therefore allowable on the basis of their dependence from an allowable independent claim.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,



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